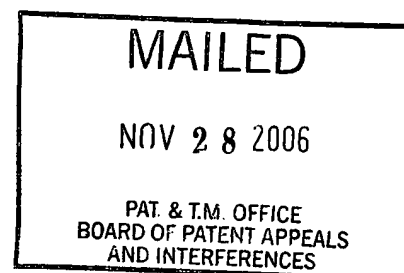


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Lepage et al

Application No. 09/205,318
Appeal No. 2006-0134



ORDER REMANDING TO EXAMINER

This application received an appeal number at the Board of Patent Appeals and Interferences on November 2, 2005. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being remanded to the Examiner. The matters requiring attention are identified below.

On December 12, 2005, Appellants filed "Appellant's [sic Appellants'] Reply Brief Pursuant to 37 C.F.R. § 41.50" ("Reply Brief") in response to the Supplemental Examiner's Answer issued on June 8, 2005. Also on December 12, 2005, Appellants filed a "Petition to Suspend the Rules Under 37 C.F.R. § 1.183 and Petition for Extension of Time Under 37 C.F.R. § 1.136(b)" ("Petition"). The Petition seeks "a waiver of the filing date requirement" for the Reply Brief.

The Examiner has not considered the Reply Brief or the fact that it was filed over four months after the two-month period for response to the Supplemental Examiner's Answer, as provided by 37 C.F.R. § 41.50(a)(2).

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As indicated, the issues raised by this latter fact are addressed by the Petition.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

- 1) for a determination on entry of the Reply Brief;
- 2) for consideration and decision on the Petition by the appropriate official; and
- 3) for such further action as may be appropriate.

Board of Patent Appeals and Interferences

By



Kimberly Jordan
Chief Trial Administrator
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Application 09/205,318

Appeal No. 2006-0134

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